

## APPENDIX K

### DEFINITION OF DISCIPLINE IMPOSED

A discipline is an action taken to correct the conduct or performance of an officer who fails to meet established standards. It may mean removal of an officer from the San José Police Department (SJPD) whose misconduct or continued poor performance makes termination the only recourse. Discipline may be **informal** - conducted by first level supervisors without formal due process requirements. Informal discipline includes: Training, Informal Counseling, Documented Oral Counseling, and Letter of Reprimand. Discipline may be **formal** - authorized by the appointing authority with specific due process requirements, including advance notice, opportunity to respond and formal appeal procedures. The appointing authority for the SJPD is the Chief of Police.<sup>1</sup> Formal disciplinary action is indicated in cases of serious misconduct or where a pattern of poor performance is not corrected by other methods. Formal discipline includes: Suspension, Salary Step Reduction, Demotion, Transfer, and Termination. A notice of suspension, demotion, or termination shall be included in an officer's personnel file.<sup>2</sup> All disciplinary actions may be taken by the Chief of Police subject to the provisions of the Charter of the City of San Jose, rules of the Civil Service Commission and, when necessary, the approval of the City Manager.<sup>3</sup>

**TRAINING:** Training is used on an officer who demonstrates problems of knowledge, judgment or common sense. Misconduct investigations which result in a finding of "Exonerated" or "Not Sustained" will not relieve the supervisors or commanders from the responsibility of counseling or training the officer whose conduct or performance is unacceptable to the Department.<sup>4</sup>

**INFORMAL COUNSELING:** Counseling is an informal one-on-one discussion with an officer. Counseling is used for several purposes. It may be designed to develop the officer's skills and abilities and understanding of the job. Counseling may clarify standards and rules, evaluate the officer's strengths and weaknesses, seek information, or solve problems. It may also be the immediate corrective reaction when misconduct or poor performance is observed.

**DOCUMENTED ORAL COUNSELING (D.O.C.):** Documented Oral Counseling is a verbal notification that performance or behavior needs improvement, and a warning of potential future discipline if improvement is not forthcoming. Documented Oral Counseling<sup>5</sup> occurs when a supervisor makes a written record documenting an oral counseling session with an officer, specifying performance or behavior needs improvement with goals or timetable for improvement

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<sup>1</sup> See San José Police Department Duty Manual Section C1617.

<sup>2</sup> See San José Police Department Duty Manual Section C1613.10.

<sup>3</sup> See San José Police Department Duty Manual Section C 1613.

<sup>4</sup> See San José Police Department Duty Manual Section C 1637.

documented. A memo documenting oral counseling does not become part of an officer's personnel file. If a documented oral counseling is the disposition of an Internal Affairs investigation, it will be part of that file and will be retained in accordance with Records Retention guidelines.

**LETTER OF REPRIMAND (L.O.R.):** A Letter of Reprimand<sup>6</sup> is a formal discipline and is included in an officer's personnel file. A Letter of Reprimand is a written notice to an officer that their behavior or performance is unacceptable and further disciplinary action will be taken unless improvement occurs.

**SUSPENSION:** When officers are suspended, they are given a designated number of hours during which they are prohibited from working. These hours are non-compensated. The suspension is included in an officer's personnel file.

**SALARY STEP REDUCTION:** A decrease in salary of one step (5%) or more for a specified period of time until a certain event occurs.

**DEMOTION:** The officer is removed from one classification and appointed to another lower classification with a lower salary range as discipline for misconduct. When officers are demoted, the demotion is included in an officer's personnel file.

**TRANSFER:** When the officer is transferred to another unit and/or bureau, the transfer is included in an officer's personnel file.

**TERMINATION:** When officers are terminated for a serious or ongoing misconduct, their employment as members of the San José Police Department is formally ended. The dismissal shall be included in an officer's personnel file.

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5 See San José Police Department Duty Manual Section C 1613.1.

6 See San José Police Department Duty Manual Section C1613.5.